

**HUMAN RIGHTS TRIBUNAL OF ONTARIO**

B E T W E E N :

BORDERLAND PRIDE, the NORTHERN ONTARIO PRIDE NETWORK,  
DOUGLAS W. JUDSON, and KATHRYN L. SHOEMAKER

Applicants

- and -

THE TOWNSHIP OF EMO, HAROLD MCQUAKER,  
HARROLD BOVEN, and WARREN TOLES

Respondents

**SUPPLEMENTARY WITNESS STATEMENT OF DOUGLAS W. JUDSON**

I, **Douglas William Judson**, of the Town of Fort Frances, in the District of Rainy River, **STATE**:

1. I am one of the applicants in this proceeding. I am also a director of the corporate applicant, Borderland Pride. I have personal knowledge of the matters I address in this witness statement, except where I indicate otherwise or the context suggests that I have obtained the information from other sources, in which case I have stated the source of my information and verily believe that information to be true.

2. I am providing this witness statement in supplement to my witness statement, dated April 19, 2024. I have reviewed the witness statements filed by the respondents Harold McQuaker, Harrold Boven, and Warren Toles. These witness statements contain a number of statements which ought to be corrected.

3. By entering these remarks as evidence, I believe that these respondents and their counsel are misleading the Tribunal, with an aim to cast aspersions and disrepute on Borderland Pride, myself, and my law practice.

**A. The “Modified Resolution”**

4. All three of the individual respondents provide the same evidence in their witness statements indicating that, in May 2020, they would have supported what they call the “modified resolution” – that is, a version of the Pride resolution similar to that adopted in 2019, which

removed all of the actual 2SLGBTQIA+- supportive language. These statements appear in Mr. McQuaker's witness statement at paragraphs 37-40, in Mr. Boven's witness statement at paragraphs 37-41, and in Mr. Toles' witness statement at paragraphs 36-40.

5. However, neither Mr. McQuaker, Mr. Boven, nor Mr. Toles took any steps to adopt such a "modified resolution." During the May 12, 2020 meeting when Borderland Pride's request was initially considered, none of these respondents moved or seconded this "modified resolution", or any resolution which would have adopted this resolution, or any resolution directing staff to issue a proclamation similar to that in 2019. None of these respondents moved or seconded anything akin to the "modified resolution" at the May 26, 2020 meeting either when the matter was reconsidered.

6. While each of the individual respondents express concern about the views of citizens of the municipality about this resolution, none of them made contact with me or Borderland Pride to raise any such concerns or propose any variation to the resolution.

**B. The Draft Letter of Apology**

7. Each of the individual respondents claim that there were efforts to address this matter through a letter of apology. This reference appears in Mr. McQuaker's witness statement at paragraph 55 and Exhibit "8", in Mr. Boven's witness statement at paragraph 69 and Exhibit "14", and in Mr. Toles' witness statement at paragraph 57 and Exhibit "8".

8. This letter of apology was never sent. It was only ever relayed to our legal counsel as one component of a proposed settlement privileged discussion. It was without prejudice, and not a stand-alone olive branch, as the respondents' evidence suggests. It was proposed language for an apology as part of a broader settlement of the issues. No settlement agreement was reached. No apology was made. No apology was rejected.

**C. The "ONSC Application"**

9. At paragraphs 63 to 68 of his witness statement, Mr. Boven refers to an application brought by my client, Luke Judson, in the Ontario Superior Court of Justice. The Reasons on Application in that proceeding can be found at [2023 ONSC 6915](#), with Reasons on Costs at [2024 ONSC 406](#).

10. The statements Mr. Boven makes are irrelevant to the issues in the within application and appear to be made only for the purpose of adding colour and casting aspersions on me personally and on my law practice.

11. First, contrary to Mr. Boven's assertion, the court application did not deal with the same issues as those in this proceeding. That Application dealt with the question of whether Mr. Boven violated the *Municipal Conflict of Interest Act* when he voted on a resolution to indemnify himself in respect of this Tribunal matter. The court application did not deal with the underlying merits of this application.

12. Second, at paragraph 64 of his witness statement, Mr. Boven repeats statements that were not accepted by the Superior Court, suggesting impropriety in my representation of a family member. At the time Mr. Boven signed this witness statement, he would have been aware that my client provided sworn affidavit evidence confirming his decision to retain my firm, that a certificate was provided to his lawyer under rule 15.02 of the *Rules of Civil Procedure* to confirm that I was authorized to commence the court application on behalf of my client, and that it was my client who, when unsuccessful, paid costs directly.

13. Third, at paragraph 66 of his statement, Mr. Boven states that "I also believe that this ONSC application was brought for an improper purpose because the alleged wrongdoing in the application was the same behaviour Douglas Judson himself had engaged in". Mr. Boven is referring to a request I made to my council, in Fort Frances, relating to a proceeding commenced against me when I was a councillor. This statement is false, based on Mr. Boven's own evidence. Exhibit "12" of Mr. Boven's witness statement includes the minutes of the meeting where this vote occurred. The minutes show that – unlike Mr. Boven – I declared an interest in my request for indemnification. The minutes also show that – unlike Mr. Boven – I did not vote on the resolution. The minutes also show that – unlike Mr. Boven – I was not granted indemnification by my council.

14. As such, it is apparent that Mr. Boven's statements in this regard are false, misleading, and vexatious.

**D. Conclusion**

15. I provide this witness statement in support of the within application and for no other or improper purpose.

DATED this 23rd day of April, 2024 at the Town of Fort Frances, Ontario.



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**DOUGLAS WILLIAM JUDSON**

Borderland Pride et al v. The Township of Emo et al  
*Applicants Respondents*

File No. 2020-411858-I

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TRIBUNAL OF ONTARIO**

**SUPPLEMENTARY WITNESS STATEMENT  
OF DOUGLAS W. JUDSON**

**Cambridge LLP**  
31 Nova Scotia Walk, Suite 307  
Elliot Lake, ON P5A 1Y9

**R. Douglas Elliott** [LSO No. 23685L]  
Phone: 416 477 7007 ext. 350  
Email: delliot@cambridgellp.com

**Timothy Phelan** [LSO No. 81550K]  
Phone: 705-578-5080 ext. 203  
Email: tphelan@cambridgellp.com

Lawyers for the Applicants